United Nations S/AC.44/2004/(02)/87

Security Council

Distr.: General
20 December 2004
English
Original: Spanish

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 7 December 2004 from the Permanent Mission of Mexico to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Mexico to the United Nations presents its compliments to the Chairman of the Committee and, with reference to the note dated 21 June 2004, has the honour to transmit herewith the report on measures taken to implement Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 7 December 2004 from the Permanent Mission of Mexico to the United Nations addressed to the Chairman of the Committee

Initial report of the Government of Mexico to the Security Council Committee established pursuant to resolution 1540 (2004) of 28 April 2004, submitted in accordance with paragraph 4 thereof

Paragraph 1

Mexico does not produce nuclear, chemical or biological weapons or their means of delivery; it does not, therefore, provide any form of support to State or non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use such weapons or their means of delivery.

Paragraph 2

Article 2 of the Regulations Act relating to article 27 of the Constitution of the United Mexican States establishes that nuclear energy may be used only for peaceful purposes. Likewise, article 24 establishes that the aim of safeguards is to organize and maintain a State system for nuclear material accountancy and control, to ensure that such materials are not diverted to the manufacture of nuclear weapons or other unauthorized uses.

Article 139 of the Federal Penal Code characterizes the offence of terrorism, establishing that any person who, by the use of explosives, toxic substances or firearms or by arson, flooding or any other violent means, perpetrates acts against persons, property or public services which result in alarm, fear or terror among the population or among a group or sector of the population, for the purpose of disturbing the peace, attempting to undermine State authority or bringing pressure to bear on the authorities to take a particular decision, shall be liable to a penalty of two to 40 years' imprisonment and a fine of up to 50,000 pesos, without prejudice to the penalties laid down for the resulting offences.

In addition, on 28 January 2004, reforms were introduced to various laws relating to financial institutions with a view to establishing measures and procedures relating to the prevention, detection and reporting of acts, omissions or operations that could promote or provide financial support, assistance or cooperation to international terrorist groups. These legal reforms were mentioned in the report of the Secretary-General on measures to eliminate international terrorism.[1]

Mexico is also a member of the Financial Action Task Force on Money Laundering (FATF), which has drawn up a series of international parameters to combat the financing of terrorism, known as the Eight Special Recommendations. Mexico actively participates in this group, as it believes that these recommendations constitute effective cooperation measures to prevent and suppress terrorist acts and the organizations that commit them. Upon joining FATF, countries must be evaluated to determine to what extent they are complying with the recommendations on money-laundering and terrorist financing. Mexico has therefore issued general provisions to prevent, detect and report acts, omissions or operations that could

[1] A/59/210 of 5 August 2004.

promote or provide support, assistance or cooperation of any kind for terrorist financing and money-laundering. These provisions are in line with international standards.

Paragraph 3 (a)

On 1 February 2004, the General Customs Administration, an agency of the Tax Administration Service (SAT), a decentralized body of the Ministry of Finance and Public Credit, established the Operational Liaison and Security Unit, with a view to: (1) coordinating emergency response programmes and security issues relating to Mexican customs; (2) liaising on such response programmes between federal government agencies, federal entities and municipalities; and (3) maintaining a link with the customs services of other countries and agencies responsible for implementing legislation on emergency response and security issues.

As explained below, with regard to paragraph 8 (b), an inter-ministerial mechanism has been set up and is currently discussing the formulation of regulations and controls, particularly with regard to chemical and bacteriological weapons.

The General Customs Administration is negotiating with the customs administrations of other countries, in particular the United States Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA), with a view to securing training courses aimed at providing officials in Mexico's 48 customs houses with expertise in detecting related materials. Funding is also being sought to enable Mexico to acquire and implement high-tech systems and equipment so that biological, radioactive and chemical agents can be detected at the points of entry into the national territory.

The National Nuclear Safety and Safeguards Commission (CNSNS) has established a State system for nuclear and radioactive material accountancy, thereby fully complying with the commitments undertaken by Mexico under the international instruments concerned.

Likewise, under domestic legislation, anyone wishing to use, store or transport nuclear or radioactive materials must obtain a licence or authorization from CNSNS.

Paragraph 3 (b)

Acting in collaboration with the International Atomic Energy Agency (IAEA), the National Nuclear Safety and Safeguards Commission has taken various measures to strengthen the Mexican Government's efforts to ensure the physical protection of nuclear material and facilities.

In addition to organizing and/or participating in various training courses on the issue, CNSNS, in collaboration with IAEA, has improved the physical safety of both the Nuclear Centre (operated by the National Nuclear Research Institute (ININ)) and the Laguna Verde nuclear power plant. New gates equipped with magnetic arcs and air jets to detect the presence of explosives have been installed at the entrance to the Laguna Verde reactors. It should be pointed out that Mexico is a State party to the Convention on the Physical Protection of Nuclear Material.

Paragraph 3 (c)

The General Customs Administration is in permanent contact with the customs services of other countries, and with international organizations, in order to obtain and provide any information and documentation that, on the basis of international cooperation, may help to detect, prevent and combat the illicit trafficking and brokering in nuclear, chemical and biological weapons, their means of delivery and related materials.

The General Customs Administration has drawn up standard operating procedures for the 19 customs houses on the border and those at Mexico's major airports, in order to facilitate safe trade.

In this context, a Customs Emergency Manual has been prepared for the personnel responsible, establishing standard procedures for dealing with emergencies and securing customs services against possible terrorist acts.

The role of the special unit in the Office of the Attorney-General to investigate terrorism and arms stockpiling and trafficking is to dismantle existing criminal organizations involved in arms trafficking and prevent the development of terrorist organizations, by exercising the powers conferred on it in articles 1 and 2, paragraph II, of the Federal Organized Crime Act. This unit is responsible for promoting due access to justice with regard to terrorism.

As for border controls, in accordance with article 4 of the Act establishing the Federal Preventive Police, the Ministry of Public Security (SSP), in cooperation with the relevant authorities, monitors and inspects border areas for purposes of maintenance of public order and peace, safeguarding of the integrity of persons and crime prevention.

The General Customs Administration lobbied the Ministry of Economic Affairs to get the proposal regarding creation of 12 specific tariff items for precursor chemical materials that can be used to manufacture chemical weapons submitted to the Foreign Trade Commission (COCEX) for approval. It is envisaged that, following publication in the *Diario Oficial*, the specific tariff items will be included in annex 10 (Register of specific sectors) and annex 21 (Exclusive customs) of the Foreign Trade General Rules for 2004.

The General Customs Administration believes that establishing specific tariff items in the General Import and Export Taxes Act will make it possible to safeguard national security by managing information on foreign trade operations relating to precursor chemical materials that can be used to manufacture chemical weapons. It will also be possible to verify and detect importers and to determine both the volume of such operations and the customs houses being used for the import, export and, where applicable, transit of such materials. It will also be possible to identify the country of origin, the value of the materials concerned, the suppliers and any other information needed to safeguard national security and prevent terrorist acts both within and outside the national territory.

Paragraph 3 (d)

Mexico is a State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Treaty of Tlatelolco. In March 2004, Mexico also signed — and is currently ratifying — an Additional Protocol to its IAEA Safeguards

Agreement. In accordance with these legal instruments, Mexico is in the process of establishing import, export and, where applicable, trans-shipment and re-export controls on nuclear or radioactive materials.

Imports of substances included in the Schedules of chemicals drawn up in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) are subject to prior authorization from the Inter-Ministerial Commission for Controlling the Processing and Use of Pesticides, Fertilizers and Toxic Substances (CICOPLAFEST). This Commission is composed of representatives of the Ministries of Economic Affairs, Health, Environment and Natural Resources, and Agriculture, Livestock, Rural Development, Fisheries and Food. These substances are controlled through the customs system in place at Mexico's ports of entry. As yet, no operations involving substances listed in Schedule 1 of the Chemical Weapons Convention have been detected.

As mentioned with respect to paragraph 2 of Security Council resolution 1540 (2004), the general provisions relating to the prevention, detection and reporting of operations linked to terrorism financing and money-laundering are mandatory for the various financial entities monitored by the National Banking and Securities Commission, and incorporate the international standards recommended by international bodies of which Mexico is a member. The aim of these provisions is to: (i) establish and improve "know your customer" policies in order to monitor operations and detect changes in customers' transactional profile; (ii) ensure that monitored entities submit reports on sizeable, unusual or worrying transactions so that the relevant authorities have all the elements needed to process that information and can obtain data that may be useful during an investigation; (iii) secure the adoption of automated systems for conserving, classifying, identifying and monitoring customer transactions and reports received; and (iv) establish a Communications and Control Committee responsible for implementing "know your customer" policies, assessing financial operations and classifying customers according to how much risk there is that they will use entities to carry out illicit terrorism financing or money-laundering acts or operations.

Paragraph 7

The Mexican Government has identified a number of areas such as access to justice, extradition, illegal arms trafficking, police services and draft legislation concerning which a request could be made for advice, technical assistance and model legislation.

For its part, the Government, through the Office of the Attorney-General, is able to offer advice and technical assistance on matters relating to extradition, limited to theoretical and informative aspects relating to extradition proceedings in Mexico, pursuant to international treaties and domestic legislation.

Paragraphs 8 (a) and (c)

Annex 1 contains the list of international treaties to which Mexico is a party.

On 29 March 2004, Mexico also signed an Additional Protocol to the Agreement between the United Mexican States and the International Atomic Energy Agency for the Application of Safeguards in relation to the Treaty for the

Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The Additional Protocol is in the process of being ratified.

Having regard for the agreement reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), at the third session of the Preparatory Committee for the 2005 Review Conference of the Parties to NPT, Mexico submitted a national report on implementation of article VI of NPT and of paragraph 4 (c) of the principles and objectives for nuclear non-proliferation and disarmament adopted in 1995.[2]

The report draws attention, inter alia, to Mexico's active participation in efforts to promote the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

It also states that Mexico is continuing its efforts in the Conference on Disarmament to give effect to the decision by the Conference in August 1998 to establish an ad hoc committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, which should also include consideration of the issue of existing arsenals, with a view to their destruction.

The report notes that Mexico stresses the need for the nuclear-weapon States to take measures to ensure that fissile material is placed as soon as possible under IAEA or other relevant international verification. It also notes that, both in an individual capacity and within the New Agenda Coalition (Brazil, Egypt, Ireland, New Zealand, South Africa and Sweden), Mexico is continuing to promote the full implementation of the principles of irreversibility, transparency and verification of nuclear disarmament and nuclear arms control, including measures for arms reduction and elimination.

For the Mexican Government, the recent international debate on weapons of mass destruction confirms that the sole guarantee against the use of such weapons is their total elimination and the assurance that they will never be used or produced again.

For that reason, Mexico has given substantive support to the establishment and implementation of verification regimes, particularly in relation to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC), recognizing that they contribute to complete, non-discriminatory and verifiable disarmament under strict international control.

Likewise, as a State party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (CBW), Mexico actively participates in the annual meetings of States parties and in the meetings of experts on the issue. The measures taken by the Mexican Government were presented at the first meeting of the States parties to the Convention, held in Geneva from 10 to 14 November 2003.[3]

[2] NPT/CONF.2005/PC.III/23 of 29 April 2004.

[3] BWC/MSP.2003/MX/WP.60 of 29 August 2003.

Mexico notes with interest the additional measures proposed by a number of Member States aimed at improving domestic legislation, establishing safety standards for the handling and transport of pathogenic micro-organisms and setting up State systems for controlling genetic engineering and biotechnology-related activities. Mexico also welcomes proposals to establish both effective international cooperation mechanisms for investigating suspicious outbreaks of diseases and procedures for addressing concerns relating to compliance with the Convention, as well as proposals to train personnel to work in international rapid response teams in the event of biological emergencies, among other initiatives.

However, Mexico considers that advances in the domestic legislation of States parties with regard to implementation of the Convention and developments in international cooperation in this area should not overshadow the need to provide the Convention with a verification regime to ensure that its provisions are fully implemented.

Paragraph 8 (b)

Mexico adopted the Act on civil liability in case of nuclear damage, which aims to regulate civil liability for damage caused through the use of nuclear reactors and nuclear substances, fuel and waste, on 31 December 1974.

On 26 January 1979, following the entry into force of the Regulations Act relating to article 27 of the Constitution, on nuclear issues, Mexico set up the National Nuclear Safety and Safeguards Commission (CNSNS) as the regulatory body responsible for monitoring the implementation of nuclear, radiological and physical safety standards and safeguards in order to ensure that nuclear and radioactive facilities operate with the highest consideration for the safety of the general public and the environment.

On 22 November 1988, the General Rules on Radiological Safety, which regulate the use, possession, storage, transport and disposal of radioactive materials and all radiological activities in the country, were published in the *Diario Oficial*.

With regard to nuclear and radiological safety, the Mexican Government has drawn up 43 official rules consisting in mandatory technical regulations which are issued by the relevant standardization agencies through their respective National Advisory Standardization Committees, in accordance with article 40 of the Federal Weights and Measures and Standardization Act (LFMN). These rules are listed in annex 2.

As a State party to the non-proliferation treaty (NPT) and the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), Mexico has signed an Agreement with the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Mexico and an Additional Protocol to that agreement.

The Mexican Government has set up an Inter-Ministerial Commission on International Disarmament, Terrorism and Security composed of the federal government agencies working on those issues. The Commission is responsible for implementing the commitments made by Mexico in the area of international disarmament, terrorism and security and is composed of the following six committees: the Nuclear Affairs Committee, the Chemical and Biological Weapons Committee, the Conventional Weapons Committee, the International Security

Committee, the Committee on International Terrorism Commitments and the Committee on Legislative Harmonization. The composition of these committees is determined on the basis of the areas of responsibility of the participating institutions.

The Chemical and Biological Weapons Committee has already adopted a work plan and timetable with a view to identifying and proposing the legislative and administrative measures needed to achieve the full implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) in Mexico. The Committee is currently drawing up the policy-level projects needed to incorporate the Convention into domestic legislation with a view to promulgating such domestic legislation as may be necessary, including criminal legislation, and/or adopting the administrative measures needed to enable the Convention to be fully implemented, if possible, before the tenth session of the Conference of the States Parties in November 2005.

Paragraph 8 (d)

The Inter-Ministerial Commission on International Disarmament, Terrorism and Security will have the power to invite, at the suggestion of Commission Chairman or at the request of any of its coordinators, representatives of other federal government agencies or entities, state Governments or any other public or private organization to participate in any of the standing committees or in any working group that it establishes, whenever the matters under discussion so require.

This will enable the Commission to maintain contact, as the case may be, with industry and the general public and provide them with information about their legal obligations on the matter and possibilities for international cooperation.

Mexico also participated in the work of the group of government experts that prepared the Study on Disarmament Education and is making every effort to implement its recommendations.

Paragraph 9

Regarding efforts to promote dialogue and cooperation as a way to address the threat posed by the proliferation of weapons of mass destruction, Mexico attaches the utmost importance to the organization of a United Nations conference to identify ways of eliminating nuclear dangers in the context of nuclear disarmament, in fulfilment of the commitments made at the Millennium Summit.

Moreover, in Mexico's view, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) is the foremost international legal instrument to ban an entire category of weapons of mass destruction under strict and effective international verification and to promote international cooperation in the field of chemical activities for peaceful purposes. Its universal ratification should therefore be promoted.

In the regional context of Latin America and the Caribbean, Mexico is a member of the Network of Experts on Legislative Matters, which offers support and advice aimed at assisting States parties in implementing the Convention on the

Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC).

As part of the efforts to promote the implementation of the Convention, in November 2002, Mexico organized a workshop for Mexican companies on the submission of industrial declarations to the Organization for the Prohibition of Chemical Weapons (OPCW). Mexico and OPCW also organized the First Regional Seminar on the Role of the Chemical and Other Relevant Industries in the Implementation of the Chemical Weapons Convention (CWC) in Latin America and the Caribbean, held from 11 to 13 June 2003.

Mexico has also participated in the various training courses and workshops offered by OPCW, including one on chemicals organized jointly with the Finnish Institute for Verification of the Chemical Weapons Convention (VERIFIN); the National Authority Training Course; the Basic Training Course on Analysis and Verification of Chemicals related to the Chemical Weapons Convention; the Fifth Regional Meeting of National Authorities in Latin America and the Caribbean; the meeting on the topic of the OPCW Assistance and Protection Programme (designed for medical experts); the Emergency Management Training Course; the Internship for Analytical Skills Development; the Second Subregional Meeting of National Authorities in Central America on the Implementation of the Chemical Weapons Convention; the Advanced Course for Personnel Involved in the National Implementation of the Chemical Weapons Convention; and associated programmes.

Paragraph 10

In Mexico's view, the best way to address the threat posed by the proliferation of nuclear, chemical or biological weapons and their means of delivery is through full compliance with the obligations laid down in international instruments on the issue, such as the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (CBW).

Mexico also recognizes the importance of fully implementing regional treaties such as the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco); the Antarctic Treaty; the South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty); the Treaty on South-East Asia Nuclear Weapon Free Zone (Treaty of Bangkok); the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty); and the declaration by Mongolia of its nuclear-weapon-free status. Mexico therefore supports universal ratification of such regional treaties and urges those States that have not yet done so to become a party to these investments.